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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 GASKINS E. THOMAS, JR.,

9 Plaintiff,

10 v.

11 STATE OF WASHINGTON,

12 Defendant.

CASE NO. 2:17-cv-617-BAT

**ORDER DENYING MOTIONS
(DKTS. 15 AND 16) AND REQUEST
(DKT. 18)**

13 Plaintiff Gaskins E. Thomas, proceeding *pro se*, filed motions to permit retained counsel
14 to file discovery motions (Dkt. 15) and to have the amended complaint “aberrated” (Dkt. 16).
15 The Court requested Plaintiff to advise if he has retained counsel and to describe the scope of
16 counsel’s representation. Plaintiff was also asked to clarify what he meant by the term “aberate.”
17 Dkt. 17. In response, Plaintiff filed a letter requesting “the abliteration of the amended
18 complaint so that it can’t come back to hunt me in the long run.” Dkt. 18. He also asked for a
19 lawyer to represent him as he has not been able to retain counsel. *Id.*

20 Plaintiff’s requests regarding the “aberration” or “abliteration” of the amended complaint
21 are denied as moot. As Plaintiff was previously advised, the amended complaint was stricken at
22 the request of Plaintiff on June 2, 2017 (Dkt. 10) and this case is proceeding under plaintiff’s
23 original complaint (Dkt. 1) only.

1 Plaintiff's request for the appointment of counsel is also denied. Generally, a person has
2 no right to counsel in a civil action. *See Campbell v. Burt*, 141 F.3d 927, 931 (9th Cir. 1998).
3 The Court may appoint counsel for indigent civil litigants under 28 U.S.C. § 1915(e)(1), but only
4 under "exceptional circumstances." *Agyeman v. Corrections Corp. of Am.*, 390 F.3d 1101, 1103
5 (9th Cir. 2004). When determining whether "exceptional circumstances" exist, the Court
6 considers "the likelihood of success on the merits as well as the ability of the [plaintiff] to
7 articulate his claims pro se in light of the complexity of the legal issues involved." *Weygandt v.*
8 *Look*, 718 F.2d 952, 954 (9th Cir. 1983).

9 Plaintiff has not been determined to be indigent or granted leave to proceed *in forma*
10 *pauperis* and paid to have his complaint filed. *See* Dkt. 1, Receipt # SEA084149. In addition,
11 the Court finds no exceptional circumstances existing at this time that would warrant the
12 appointment of counsel at the government's expense. Plaintiff filed his complaint and thus far
13 has articulated his claims well, the issues are not complex, and there has been no showing as to
14 the likelihood of success on the merits at this time. Accordingly, it is **ORDERED**:

15 (1) Plaintiff's motion/request for have the amended complaint aberrated (Dkt. 16) and
16 abliderated (Dkt. 18) are **DENIED as moot**. If it is Plaintiff's intent to dismiss the complaint he
17 filed in this case, he should advise the Court and defendant by **November 1, 2017**.

18 (2) Plaintiff's motion/request for the appointment of counsel (Dkt. 15) and (Dkt. 18)
19 are **DENIED**.

20 (3) The Clerk shall send a copy of this Order to the parties.

21 DATED this 20th day of October, 2017.

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BRIAN A. TSUCHIDA
United States Magistrate Judge